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P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, on September 24, 2004

QUINE INTELLECTUAL PROPERTY LAW GROUP P.C.

By *Amelia Weintraub*  
Amelia Weintraub

Attorney Docket No. 313S-300610US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Luke P. Lee et al.

Application No.: 10/814,609

Filed: March 29, 2004

For: **METHOD AND APPARATUS FOR  
NANOGAP DEVICE AND ARRAY**

Confirmation Number: 5428

Examiner: Unassigned

Art Unit: 1636

TRANSMITTAL LETTER - RESPONSE  
TO NOTICE OF MISSING PARTS

ATTN:  
MAIL STOP MISSING PARTS  
COMMISSIONER FOR PATENTS  
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Sir:

Pursuant to the "Notice to File Missing Parts of Application - Filing Date Granted" dated *June 24, 2004*, enclosed are the following to be made of record in the above-identified application:

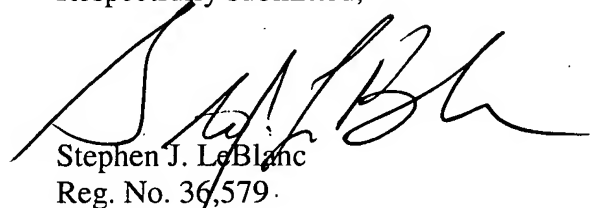
- 1) Executed Declaration
- 2) Power of Attorney and Certificate of Assignee Under 37 C.F.R. § 3.73(b)  
(+ copy of Assignment - not for recordation-note: The Assignment for recordation is being sent concurrently under separate cover to Box Assignment, pursuant to the MPEP @ Page 300-M and Form PTO-1619A)
- 3) Copy of Notice of Missing Parts
- 4) Amendment
- 5) Petition for Extension of Time for 1 month Under 37 CFR 1.136(a)
- 6) Transmittal Sheet
- 7) Receipt indication postcard

Please charge Deposit Account No. 50-0893 for the following fees:

Small entity: (a)	Filing Fee (§ 1.16(a)) (Small Entity)	\$ 385.00
(b)	Excess Claims Fees (§ 1.16(b), (c)):	
	31 – 20 = 11 x 9 =	\$ 99.00
	8 – 3 = 5 x 43 =	\$ 215.00
(c)	Missing Parts Surcharge	\$ 65.00
<b>TOTAL FEES TO BE CHARGED</b>		<b>\$764.00</b>

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 50-0893. *This Transmittal Letter is submitted in duplicate.*

Respectfully submitted,

  
Stephen J. LeBlanc  
Reg. No. 36,579

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/814,609	03/29/2004	Luke P. Lee	313S-300610US

22798  
 QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
 P O BOX 458  
 ALAMEDA, CA 94501

CONFIRMATION NO. 5428

## FORMALITIES LETTER



\*OC000000013063863\*

Date Mailed: 06/24/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 29 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of

385.00 DA  
 99.00 DA  
 215.00 DA  
 65.00 DA

01 FC:2001  
 02 FC:2202  
 03 FC:2201  
 04 FC:2051

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a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$314** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$764** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$314**
  - **\$215** for **5** independent claims over 3.
  - **\$99** for **11** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*T. W. W.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE